

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE RICHARD M. OSBORNE, SR.
Debtor

CASE No. 17-17361
JUDGE ARTHUR I. HARRIS
CHAPTER 7

**SECOND INTERIM APPLICATION OF REA & ASSOCIATES, INC. AND RAYMOND G. ONDERISIN,
CPA ACCOUNTANTS, FOR APPROVAL OF COMPENSATION AS ACCOUNTANTS FOR DEBTOR AND
(THEN) DEBTOR IN POSSESSION**

Rea & Associates, Inc. and Raymond G. Onderisin, CPA, hereby move the Court for an order approving this first interim application for fees as accountants to Richard M. Osborne, Sr. as debtor and (then) debtor-in-possession (“Debtor”) and related entities as previously approved by the Court in the amount of \$18,329.80, and allowing them \$18,329.80 as an administrative expense against the bankruptcy estate.

I. JURISDICTION

The court has jurisdiction over this matter pursuant to 28 U.S.C. §1334(a) and (e) and General Order 84 of the United States District Court for this District. This is a core proceeding in which the Court may enter a final order pursuant to 28 U.S.C. §157(b)(2)(A),(M) and (O).

II. NARRATIVE SUMMARY

A. BACKGROUND

This bankruptcy case was filed on December 17, 2017, on September 19, 2018 the Debtor moved to employ applicant Rea & Associates, Inc. and Raymond G. Onderisin, CPA (“Rea”) as his accountants [Doc 244]. On October 19, 2018 the Court approved the retention of Rea [Doc. 270] on an hourly basis, to complete tax return extensions and tax returns for Debtor and Debtor’s entities as necessary to complete Debtor’s tax returns; no other payments have been promised to Rea other than those approved by the Court. Rea has filed one prior fee application in this case for \$10,554.60.

Mr. Onderisin is a principal at Rea and Associates, Inc. and is an experienced CPA having a B.S. in accounting from Heidelberg University and he obtained his CPA certificate September 16, 1996. See Affidavit of Raymond G. Onderisin attached hereto as **Exhibit A**, at ¶¶2, 3. Mr. Onderisin has 30 years of accounting experience. *Id.* at ¶4.

The hourly rates charged on the attached exhibit are the usual and customary charges to all of Rea's clients for services of the type provided, at the time provided. *Id.* at ¶5. This application covers the period April 13, 2018 through June 26, 2019, and the bills attached hereto as **Exhibit B** are true and accurate representations of the time expended in this matter. *Id.* at ¶6 and **Exhibit B**.

B. CASE STATUS

A motion to appoint a Chapter 11 Trustee was filed by First National Bank of Pennsylvania [Doc. 308] and the U.S. Trustee filed a motion to convert to a Chapter 7 case [Doc. 439] and an evidentiary hearing on the same was held on July 3, 2019. After Debtor filed a motion to convert the Chapter 11 case to a Chapter 7 case [Doc. 481], the Debtor's motion to convert was granted and the case was converted to Chapter 7 on July 3, 2019. [Doc 482]. Any other currently pending motions do not directly relate to the work Rea and Associates, Inc. is performing for Debtor.

C. PROJECT SUMMARY

Rea was retained by the Debtor to perform accounting services necessary to prepare Debtor's personal 2017 tax return. In order to do so, Rea completed 2017 tax work for a multitude of entities, owned in whole or in part by Debtor, as set forth more fully in Rea's Motion to Employ [Doc. 244]. As noted in the Motion to Employ, it was impossible to complete Debtor's tax return without first completing these returns for the related entities [Doc. 244]. Debtor's personal tax return is now complete. Rea also completed the 2018 Forms 1065 and

1120S for Debtor's various entities. Rea's services performed in the period of April 13, 2018 to June 26, 2019 on these matters are detailed on the attached invoice. See **Exhibit B**.

D. EXPENSES

Rea incurred no expenses in connection with this case during the relevant period.

E. CONCLUSION

Therefore, Rea requests that this Court enter an order approving Debtor's payment of its accounting fees in the amount of \$18,329.80 and allowing it \$18,329.80 as an administrative expense against the bankruptcy estate. A proposed order is attached.

Respectfully Submitted,

/s/ Tricia L. Pycraft

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CERTIFICATE OF SERVICE

A copy of this Second Interim Application of Rea & Associates, Inc. and Raymond G. Onderisin, CPA for Approval of Compensation as Accountants for Debtor and (Then) Debtor in Possession was served by was electronically transmitted on or about the date filed via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list or was served by U.S. mail, postage prepaid, or certified mail on the persons below as indicated below.

Electronic Mail Notice List

The following is a list of the parties who are on the list to receive e-mail notice/service for this case:

Gregory P. Amend on behalf of Creditor First National Bank of Pennsylvania
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Alison L. Archer on behalf of Interested Party Lakeland Community College
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Adam S. Baker on behalf of Creditor Michael E. Osborne, Sr.
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Austin B. Barnes, III on behalf of Creditor Tax Ease Ohio, LLC
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Robert D. Barr on behalf of Creditor Chicago Title Insurance Company
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Stephen R. Franks on behalf of Creditor Bank of America, N.A.
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Christopher J. Klym on behalf of Creditor Ohio Department of Taxation
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Matthew H. Matheney on behalf of Creditor First National Bank of Pennsylvania
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Timothy P. Palmer on behalf of Creditor The Huntington National Bank
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Kirk W. Roessler on behalf of Creditor Estate of Jerome T. Osborne
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Scott R. Belhorn on behalf of U.S. Trustee United States Trustee
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Kari B. Coniglio, Chapter 7 Bankruptcy Trustee
kbconiglio@vorys.com

Richard M. Osborne, Sr. (via fax)

/s/ Tricia L. Pycraft

Tricia L. Pycraft

